IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Bail Appl..No. 580 of 2007()

CRIME NO. 364/97 OF KAYAMKULAM POLICE STATION

PETITIONER/ACCUSED NO.9

NAZER,
PALIKKULANGARA VEEDU, PATHIYOOR VILLAGE.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENT:

SUB INSPECTOR OF POLICE,
KAYAMKULAM, REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 580 of 2007

DATED: 15th February, 2007

O R D E R

Petitioner who is the 9th accused in Crime No. 364 of 1997 of Kayamkulam Police Station for offences punishable under Sections 143, 147, 148, 149 and 332 of I.P.C. and Sec. 3(2) (e) of P.D.P.P.Act, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before the J.F.C.M., Kayamkulam, the case against the peititoner was split up a transferred to the Long Pending Case Register where it was registered as L.P. 188/2006. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within 10 days from today, the same shall be considered and disposed of preferably on the same date on which it is filed after

examining the explanation offered by the petitioner for his previous non-appearance and after considering his contention that he co accused in the case have been acquitted after trial.

With the above observation this application is dismissed.

V.RAMKUMAR, JUDGE.

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